
Introduced by Senator McPherson

February 21, 2003

An act to amend Section 13263 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 990, as introduced, McPherson. Waste discharge requirements.

Existing law, the Porter-Cologne Water Quality Control Act, with certain exceptions, requires the appropriate California regional water quality control board to prescribe requirements as to the nature of a proposed discharge, an existing discharge, or a material change in an existing discharge.

This bill would make technical, nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13263 of the Water Code is amended to
2 read:
3 13263. (a) The regional board, after any necessary hearing,
4 shall prescribe requirements as to the nature of any proposed
5 discharge, existing discharge, or material change in an existing
6 discharge, except discharges into a community sewer system, with
7 relation to the conditions existing in the disposal area or receiving
8 waters upon, or into which, the discharge is made or proposed. The
9 requirements shall implement any relevant water quality control
10 plans that have been adopted, and shall take into consideration the
11 beneficial uses to be protected, the water quality objectives

1 reasonably required for that purpose, other waste discharges, the
2 need to prevent nuisance, and the provisions of Section 13241.

3 (b) A regional board, in prescribing requirements, need not
4 authorize the utilization of the full waste assimilation capacities of
5 the receiving waters.

6 (c) The requirements may contain a time schedule, subject to
7 revision in the discretion of the board.

8 (d) The regional board may prescribe requirements ~~although~~
9 ~~no~~ *even if a* discharge report has *not* been filed.

10 (e) Upon application by any affected person, or on its own
11 motion, the regional board may review and revise requirements.
12 All requirements shall be reviewed periodically.

13 (f) The regional board shall notify in writing the person making
14 or proposing the discharge or the change therein of the discharge
15 requirements to be met. After receipt of the notice, the person so
16 notified shall provide adequate means to meet the requirements.

17 (g) No discharge of waste into the waters of the state, whether
18 or not the discharge is made pursuant to waste discharge
19 requirements, shall create a vested right to continue the discharge.
20 All discharges of waste into waters of the state are privileges, not
21 rights.

22 (h) The regional board may incorporate the requirements
23 prescribed pursuant to this section into a master recycling permit
24 for either a supplier or distributor, or both, of recycled water.

25 (i) The state board or a regional board may prescribe general
26 waste discharge requirements for a category of discharges if the
27 state board or that regional board finds or determines that all of the
28 following criteria apply to the discharges in that category:

29 (1) The discharges are produced by the same or similar
30 operations.

31 (2) The discharges involve the same or similar types of waste.

32 (3) The discharges require the same or similar treatment
33 standards.

34 (4) The discharges are more appropriately regulated under
35 general discharge requirements than individual discharge
36 requirements.

37 (j) The state board, after any necessary hearing, may prescribe
38 waste discharge requirements in accordance with this section.

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